



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

OCT 06 2016

Re: MUR 7053
Fleming for Congress

Sherry Hackett
800 N. Whittier Dr.
Beverly Hill, CA 90210

Dear Ms. Hackett:

The Federal Election Commission, the regulatory agency that administers and enforces the Federal Election Campaign Act, as amended (the "Act"), has ascertained information in the normal course of carrying out its supervisory responsibilities indicating that you, in your individual capacity, may have violated the Act or the Commission's regulations. You are therefore being provided this notice and an opportunity to respond, if you wish to do so, to the following allegations.

The available information indicates that you are the sole member of Spanky LLC. Flemming for Congress reported receiving two loans (totaling \$200,700) from Spanky LLC during the 2012 Primary Election. The loans, however, may have been attributable to you in your individual capacity. See 11 C.F.R. § 110.1(g)(4). Based on the available information, it appears that the loans were contributions that exceeded the Act's limits, and that approximately \$148,400 of the contributions was not refunded within the required time period. Therefore, it appears that you may have made excessive contributions to Flemming for Congress in that amount. For further information, a copy of the document initially referring the matter from the Reports Analysis Division to the Commission's Office of the General Counsel is enclosed.

The Office of the General Counsel is reviewing this information to determine whether to recommend to the Commission that there is reason to believe that you violated the Act or Commission regulations. A "reason to believe" finding is not a finding that any person violated the Act; rather, it means only that the Commission believes a violation may have occurred. Before we make a recommendation to the Commission, we offer you the opportunity to provide a written response to the allegations in the complaint.

Should you choose to respond, you may also submit any materials — including documents or sworn affidavits from persons with relevant knowledge — that you believe may be relevant to the Commission's consideration of this matter. The Commission will take into account any additional information you provide in determining whether to find reason to believe that you violated the Act or Commission regulations. Your response, if you choose to make one, must be submitted in writing within 15 days of receiving this letter, and should reference MUR

7053. After 15 days, we will make our recommendations to the Commission. The Commission will then consider the recommendations and take appropriate action.

This matter will remain confidential unless you notify the Commission in writing that you wish the matter to be made public. See 52 U.S.C. §§ 30109(a)(4)(B) and 30109(a)(12). Please be advised that, although the Commission cannot disclose information regarding an investigation to the public, it may share information on a confidential basis with other law enforcement agencies.¹

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission. Please note that you are required to preserve all documents, records, and materials relating to the subject matter of the complaint until we notify you that the Commission has closed its file in this matter. See 18 U.S.C. § 1519.

Any correspondence sent to the Commission, such as a response, must be addressed to one of the following (note, if submitting via email this Office will provide an electronic receipt by email):

Mail

Federal Election Commission
Office of Complaints Examination
and Legal Administration
Attn: Donna Rawls
999 E Street, N.W.
Washington, DC 20463

Email

drawls@fec.gov

If you have any questions, please call Donna Rawls at (202) 694-1650 or toll free at 1-800-424-9530. Information is also available on the Commission's website, www.fec.gov. For your information, we have also enclosed a brief description of the Commission's procedures for handling complaints.

Sincerely,



Kathleen Guith
Associate General Counsel for Enforcement

Enclosures:

1. Referral

¹ The Commission has the statutory authority to refer knowing and willful violations of the Act to the Department of Justice for potential criminal prosecution, 52 U.S.C. § 30109(a)(5)(C), and to report information regarding violations of law not within its jurisdiction to appropriate law enforcement authorities. *Id.* § 30107(a)(9).